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ACCU CHEM Conversion, Inc.  
13226 Nelson Ave  
City of Industry, CA 91746  
crobitaille@accuchemconversion.com

# ACCU CHEM Conversion, Inc.

March 27, 2009

Director Henry Renteria  
California Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655

Dear Director Renteria,

In accordance with Section 2780.1, (b) [Dispute Resolution] of Title 19 Public Safety, Section 4.5, please be advised that this document shall serve as official notification that ACCU CHEM Conversion, Inc. [ACC], desires to pursue a written request for appeal of the enclosed AA decision to regulate ACC's Transloading activities under the CalARP Program. Pursuant to this section of the code, we enclose all the data that has previously been submitted to the local AA. By statute, a public comment period is part of this process and we respectfully request that ACC be included, per the statute guidelines, in the comment process. We have reason to believe that other State of California and Federal Agencies desire to solicit comments favorable to ACCU CHEM's perspective and history of operations; we therefore ask that the comment period be of sufficient length and be publicized well enough to gather a reasonable number of comments.

According to the statute, this cover letter must be "concise", so in an effort to limit the length of this single document and since the accompanying documents are quite substantial, ACC believes that the local CUPA, the Department of Toxic Substances Control or DTSC, has misinterpreted existing regulations, gone beyond their authority in classifying an existing business with sixteen [16] years of history as a transloader, as a stationary source and developed conclusions about the physical properties about the material in question, Hydrochloric acid <37%, that are not consistent with the basic laws of chemistry. To support these claims, ACC submits 3 sets of documents including: 1] the two (2) binders that DTSC already has received, 2] a counter position/technical rebuttal drafted by ACC to dispute the findings of the AA decision and finally, 3] a copy of a letter [E-mail] from the Federal Railroad Administration, tendered at the request of the California Public Utilities Commission, Consumer Protection and Safety Division, Rail Operations and Safety Branch, authored February 23, 2009, stating categorically that ACC's operations are indeed those of transloading, not of the nature as described in the AA's decision. We suggest that the same regulatory bodies that have inspected us for sixteen [16] years are more of an authority on the nature of our operations, than the local A.A., who has limited experience as a CUPA in California [2 counties of which ACC's operations are unique] and no authority granted by either the State of California or the United States Government to change the classification of an existing business away from a Transportation related business to a Stationary Source, based on their desire to include us in the CalARP program, with the associated fees [RMP preparation and annual user fees] that go along with inclusion in the CalARP program.

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ACC is a small business; we do not have the resources [financial, legal or other] of larger organizations. We have an excellent working relationship with every regulatory agency that inspects us whether they are a local, State or Federal agency. In the twenty-seven [27] years that I have supervised, operated, managed and owned rail transloading facilities in California; this is the first [1<sup>st</sup>] time in my career that I have had to accelerate a regulation interpretation issue to this level. ACC is not getting "a fair shake" in our relationship with the local A.A. and we turn to this office with full disclosure of the facts of our operation[s] to get on a "fair and level playing field" with an agency that is proposing to fundamentally undo what sixteen [16] years of history and three [3] other CUPA's have documented and agreed to. Thank you in advance for your consideration of this matter and we await your timely reply. I can be reached anytime at the contact information contained in the header of this document.

Very truly yours,



Craig G. Robitaille  
President/CEO  
ACCU CHEM Conversion, Inc.

CGR/mr

Cc: Mr. Roger Vintze; DSTC, CUPA Imperial County by Certified Letter, Return Receipt Requested  
Mr. Mike Hilder, PHMSA, Washington D.C.  
Mr. Frank Molloy, Esq, ACC General Council  
Mr. Phil Zlaket, ACC Corporate Compliance Manager